

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

REPHEKA PERSADI, by her legal)
guardian, FRANKA PERSADI,)
)
Plaintiff,)

v.)

**CIVIL ACTION FILE NO.
1:12-cv-04072-TWT**

THE FULTON COUNTY SCHOOL)
DISTRICT; FRANCES BOYD,)
in her individual and her official capacity)
as former Principal of Hopewell Middle)
School; and MELANIE PICKENS, in)
her individual and her official capacity)
as former Special Education teacher at)
Hopewell Middle School,)
)
Defendants.)

**DEFENDANTS MELANIE PICKENS AND FRANCES BOYD'S MOTION
FOR EXTENSION OF TIME TO FILE ANSWER AND TO SUBMIT
JOINT PRELIMINARY REPORT AND DISCOVERY PLAN**

COMES NOW, Melanie Pickens and Frances Boyd, two of the Defendants in the above-referenced case, and file this, their Joint Motion for Extension of Time to File Answer and to Submit Joint Preliminary Report and Discovery Plan.

Pickens and Boyd hereby request that the Court extend the deadline for them to file their respective Answers to the Complaint until after the Court rules on Pickens' Motion to Stay Case, which Pickens has filed simultaneously herewith.

Pickens and Boyd also request that the deadline for the parties to submit their Joint Preliminary Report and Discovery Plan be extended until after the Court rules on Pickens' Motion to Stay. Pickens and Boyd show this Court as follows:

1.

Boyd filed her Motion to Dismiss on January 29, 2013, and Pickens filed her Motion to Dismiss on February 19, 2013.

2.

The Court issued an Order on September 23, 2013 denying Boyd's Motion to Dismiss. The Court issued a separate Order also on September 23, 2013 denying Pickens' Motion to Dismiss. Pursuant to Fed.R.Civ.P. 12(a)(4)(A), the deadline for Pickens and Boyd to file their respective Answers to the Complaint currently is October 7, 2013.

3.

Simultaneously herewith, Pickens has filed a Motion to Stay this case pending the outcome of a criminal case pending against her for allegations related to the allegations made by Plaintiff in this case. The criminal case is scheduled to go to trial on March 17, 2014.

4.

Pickens requests that the deadline for her to file her Answer to the Complaint be extended pending the Court's ruling on her Motion to Stay. If the Court grants Pickens' Motion to Stay, Pickens requests that the deadline for Pickens to file her Answer to the Complaint be extended until 14 days after the court in the criminal case enters a final judgment (regardless of any appeals). In the alternative, Pickens requests that the deadline for Pickens to file her Answer to the Complaint be extended until 14 days after the Court enters any Order denying Pickens' Motion to Stay.

5.

Boyd likewise requests that the deadline for her to file her Answer to the Complaint be extended as set forth in paragraph 4 with respect to Pickens. If the Court grants Pickens' Motion to Stay, Boyd requests that the deadline for Boyd to file her Answer to the Complaint be extended until 14 days after the court in the criminal case enters a final judgment (regardless of any appeals). In the alternative, Boyd requests that the deadline for Boyd to file her Answer to the Complaint be extended until 14 days after the Court enters any Order denying Pickens' Motion to Stay.

6.

Pursuant to a consent motion filed by the parties, the Court entered an Order on February 28, 2013 extending the deadline for the parties to file their Joint Preliminary Report and Discovery Plan until 14 days after the Court ruled on the pending motions to dismiss. Accordingly, the Joint Preliminary Report and Discovery Plan currently is due to be filed on October 7, 2013. Pickens and Boyd respectfully request that the deadline for filing the Joint Preliminary Report and Discovery Plan be extended until (a) 14 days after a final judgment (regardless of appeals) is entered in the criminal case; or (b) 14 days after the entry of any Order denying Pickens' Motion to Stay.

Based on the foregoing, Pickens and Boyd respectfully request that their Motion for Extension of Time to File Answer and to Submit Joint Preliminary Report and Discovery Plan be granted.

Respectfully Submitted,

\s\ Mary Anne Ackourey

Mary Anne Ackourey

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JAKE MARSHALL, by and)	
through his Guardian, Conservator,)	
and Next Friend, JUDY)	
MARSHALL,)	
)	CIVIL ACTION FILE
Plaintiff,)	NO. 1:11-cv-01110-JEC
)	
v.)	
)	
MELANIE PICKENS, PAULA)	
MERRITT, AND FRANCES)	
BOYD,)	
)	
Defendants.)	

CERTIFICATE OF SERVICE

I have this day served the foregoing **DEFENDANTS MELANIE PICKENS AND FRANCES BOYD’S MOTION FOR EXTENSION OF TIME TO FILE ANSWER AND TO SUBMIT JOINT PRELIMINARY REPORT AND DISCOVERY PLAN** via electronic mail and United States Mail, First Class, proper postage prepaid and affixed thereon, addressed to counsel of record as follows:

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This 24th day of September, 2013.

/s/ Mary Anne Ackourey

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Georgia Bar No. 001555